

I certify that the attached is a true and correct copy of HR 8 which was filed of record on JUL 11 1991

and referred to the committee on:

Ways and Means

Betty Murray

Chief Clerk of the House

FIRST CALLED SESSION
FILED JUL 11 1991

1991 JUL 18 PM 4:57

HOUSE OF REPRESENTATIVES

By

Ron Wilson

H J.R. No. 8

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the establishment
2 of a state lottery.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Section 47, of the Texas
5 Constitution is amended by amending Subsection (a) and adding
6 Subsection (e) to read as follows:

7 (a) The Legislature shall pass laws prohibiting lotteries
8 and gift enterprises in this State other than those authorized by
9 Subsections (b), [and] (d), and (e) of this section.

10 (e) The Legislature by general law may authorize the State
11 to operate lotteries.

12 SECTION 2. This proposed constitutional amendment shall be
13 submitted to the voters at an election to be held on November 5,
14 1991. The ballot shall be printed to provide for voting for or
15 against the proposition: "The constitutional amendment authorizing
16 a state lottery."

HOUSE COMMITTEE REPORT

91 AUG -1 PM 5:31

HOUSE OF REPRESENTATIVES

1st Printing

By Wilson, et al.

H.J.R. No. 8

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16 a state lottery."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

7-31-91
(date)

Sir:

We, your COMMITTEE ON WAYS AND MEANS,

to whom was referred H. J. R. 8 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

(☒) do pass, without amendment.

(☐) do pass, with amendment(s).

(☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes (☐) no

An author's fiscal statement was requested. (☐) yes (☒) no

A criminal justice policy impact statement was requested. (☐) yes (☒) no

An equalized educational funding impact statement was requested. (☐) yes (☒) no

An actuarial analysis was requested. (☐) yes (☒) no

A water development policy impact statement was requested. (☐) yes (☒) no

A federal funds impact statement was requested. (☐) yes (☒) no

(☐) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

This measure (☐) proposes new law. (☒) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hury, Ch.	<input checked="" type="checkbox"/>			
Evans, V.C.	<input checked="" type="checkbox"/>			
Oliveira, C.B.O.	<input checked="" type="checkbox"/>			
Berlanga	<input checked="" type="checkbox"/>			
Earley		<input checked="" type="checkbox"/>		
Heflin		<input checked="" type="checkbox"/>		
Johnson, S. Campbell	<input checked="" type="checkbox"/>			
Price				<input checked="" type="checkbox"/>
Seidlits	<input checked="" type="checkbox"/>			
Watkins	<input checked="" type="checkbox"/>			
Williamson				<input checked="" type="checkbox"/>
Wilson	<input checked="" type="checkbox"/>			
Wolens				<input checked="" type="checkbox"/>

Total

8 aye

2 nay

0 present, not voting

3 absent

CHAIRMAN

COMMITTEE COORDINATOR

ANALYSIS

BACKGROUND INFORMATION

Article III, Section 47 of the Texas Constitution prohibits the operation of a state lottery. According to the House Research Organization, thirty-three states and the District of Columbia operate or have approved state lotteries, and seventeen states, including Texas, have not. Of the states with lotteries, eight dedicate all of the revenue generated to public education and two make partial dedications. Twelve states dedicate lottery revenues to other areas such as transportation, economic development, and property tax relief. The remaining states dedicate to their general funds.

PURPOSE

This bill proposes a constitutional amendment allowing the Legislature to authorize the operation of a state lottery.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article III, Section 47, Texas Constitution by amending Subsection (a) and adding Subsection (e).

(a) Makes conforming language changes.

(e) Authorizes the Legislature to authorize the State to operate lotteries.

SECTION 2. Requires submission to the voters on November 5, 1991; specifies ballot language.

RULEMAKING AUTHORITY

It is the committee's opinion that this measure does not delegate rulemaking authority to any state officer, agency, department, or institution.

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance with the rules and a public hearing held on the issue of a state lottery on July 23, 1991. Testimony was received.

The Committee met for a public hearing on July 31, 1991. No testimony was received on this measure. On that date, the committee voted to report H.J.R. 8 to the House without amendment and with the recommendation that it do pass by a record vote of 8 ayes, 2 nays, 0 PNV, and 3 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

July 31, 1991

**TO: Honorable James Hury, Chair
Committee on Ways and Means
House of Representatives
Austin, Texas**

**IN RE: House Joint Resolution No. 8
First Called Session
By: Wilson**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 8, First Called Session (proposing a constitutional amendment relating to the establishment of a state lottery) this office has determined the following:

The resolution proposes a constitutional amendment, which, if adopted, would permit the State to conduct lotteries. The proposed amendment would be submitted to the voters on November 5, 1991.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, PA

Amendment No. ①

By Wilson

Amend H.J.R. 8 by striking
all below the resolving clause
and substituting the following:

4 SECTION 1. Article III, Section 47, of the Texas
5 Constitution is amended by amending Subsection (a) and adding
6 Subsection (e) to read as follows:

7 (a) The Legislature shall pass laws prohibiting lotteries
8 and gift enterprises in this State other than those authorized by
9 Subsections (b), [and] (d), and (e) of this section.

10 (e) The Legislature by general law may authorize the State
11 to operate lotteries and may authorize the State to enter into a
12 contract with one or more legal entities that will operate
13 lotteries on behalf of the State.

14 SECTION 2. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held on November 5,
16 1991. The ballot shall be printed to provide for voting for or
17 against the proposition: "The constitutional amendment authorizing
18 a state lottery."

ADOPTED

AUG 5 1991

Betty Murray
Chief Clerk
House of Representatives

HOUSE ENGROSSMENT

91 AUG -5 PM 5:38

HOUSE OF REPRESENTATIVES

By Wilson, et al.

H.J.R. No. 8

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The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, PA

By: Wilson, et al. (Senate Sponsor - Montford) H.J.R. No. 8
 (In the Senate - Received from the House August 6, 1991;
 August 6, 1991, read first time and referred to Committee on
 Finance; August 8, 1991, reported favorably by the following vote:
 Yeas 9, Nays 4; August 8, 1991, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Montford	x			
Barrientos	x			
Armbrister	x			
Bivins	x			
Brooks	x			
Haley		x		
Johnson	x			
Parker	x			
Ratliff		x		
Sims	x			
Tejeda		x		
Truan	x			
Turner		x		

A JOINT RESOLUTION

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 contract with one or more legal entities that will operate
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 submitted to the voters at an election to be held on November 5,
 1991. The ballot shall be printed to provide for voting for or
 against the proposition: "The constitutional amendment authorizing
 a state lottery."

* * * * *

Austin, Texas
 August 8, 1991

Hon. Bob Bullock
 President of the Senate

Sir:

We, your Committee on Finance to which was referred H.J.R. No. 8,
 have had the same under consideration, and I am instructed to
 report it back to the Senate with the recommendation that it do
 pass and be printed.

Barrientos, Vice-Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

August 5, 1991

**TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas**

**IN RE: House Joint Resolution No. 8, First
Called Session, as engrossed
By: Wilson**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 8, First Called Session, as engrossed (proposing a constitutional amendment relating to the establishment of a state lottery) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would permit the State to conduct lotteries and authorize the state to enter into a contract with one or more legal entities that would operate lotteries on behalf of the state. The proposed amendment would be submitted to the voters on November 5, 1991.

The cost of publication of the resolution to the State is \$60,000.

**Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, DF, LC**

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

July 31, 1991

TO: Honorable James Hury, Chair
Committee on Ways and Means
House of Representatives
Austin, Texas

IN RE: House Joint Resolution No. 8
First Called Session
By: Wilson

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 8, First Called Session (proposing a constitutional amendment relating to the establishment of a state lottery) this office has determined the following:

The resolution proposes a constitutional amendment, which, if adopted, would permit the State to conduct lotteries. The proposed amendment would be submitted to the voters on November 5, 1991.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, PA

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR (HJR) 8
 By Wilson / Montford
(Author/Senate Sponsor)
8-8-91
(date of submission to Senate)

Lt. Governor Bob Bullock
 President of the Senate

Sir:

We, your Committee on Finance, to which was referred the attached measure,
 have on 8-8-91, had the same under consideration and I am instructed to report it
(date of hearing)
 back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Montford, Chairman	<input checked="" type="checkbox"/>			
Barrientos, Vice-Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Bivins	<input checked="" type="checkbox"/>			
Brooks	<input checked="" type="checkbox"/>			
Haley		<input checked="" type="checkbox"/>		
Johnson	<input checked="" type="checkbox"/>			
Parker	<input checked="" type="checkbox"/>			
Ratliff		<input checked="" type="checkbox"/>		
Sims	<input checked="" type="checkbox"/>			
Tejeda		<input checked="" type="checkbox"/>		
Truan	<input checked="" type="checkbox"/>			
Turner		<input checked="" type="checkbox"/>		
TOTAL VOTES	9	4	0	0

COMMITTEE ACTION

- ☒ S260 Considered in public hearing
☒ S270 Testimony taken

Jerry Anderson
 COMMITTEE CLERK

Rogelio Barrientos
 CHAIRMAN (Vice Chairman)

Paper clip the original and one copy of this signed form to the original bill
 Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
 Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
 Retain one copy of this form for Committee files

F

ENROLLED

H.J.R. No. 8

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17 against the proposition: "The constitutional amendment authorizing
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H.J.R. No. 8

President of the Senate

Speaker of the House

I certify that H.J.R. No. 8 was passed by the House on August 5, 1991, by the following vote: Yeas 101, Nays 46, 0 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 8 was passed by the Senate on August 10, 1991, by the following vote: Yeas 22, Nays 5.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 8[✓] was passed by the House on
(1)

August 5[✓], 1991, by the following vote:
(2)

Yeas 101[✓], Nays 46[✓], 0 present, not voting[✓]
(3) (4)

Chief Clerk of the House

I certify that H.J.R. No. 8[✓] was passed by the Senate on

August 10[✓], 1991, by the following vote:
(5)

Yeas 22[✓], Nays 5[✓]
(6) (7)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT47;

FIRST CALLED SESSION

H. J. R. No. 8

By Ron Wilson

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the establishment of a state lottery.

JUL 11 1991

1. Filed with the Chief Clerk.

JUL 18 1991

2. Read first time and referred to Committee on

WAYS & MEANS

JUL 31 1991

3. Reported favorably (as amended) and sent to Printer at 11:55am
(as substituted)

AUG 1 1991

AUG 1 1991

4. Printed and distributed at 5:31p

AUG 2 1991

5. Sent to Committee on Calendars at 12:46pm

AUG 5 1991

6. Read second time amended and (finally) passed to Third Reading by a Record Vote of 101 yeas, 46 nays, 0 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

AUG 5 1991

11. Ordered Engrossed at 5:00 pm

AUG 5 1991

12. Engrossed.

AUG 5 1991

13. Returned to Chief Clerk at 5:38 pm

AUG 6 1991

14. Sent to the Senate.

AUG 06 1991

15. Received from the House

AUG 6 1991

16. Read, referred to Committee on FINANCE

AUG 08 1991

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

AUG 9 1991

20. Regular order of business suspended by

(a viva voce vote.)
(24 yeas, 7 nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

AUG 9 1991

22. Read second time

passed to third reading by:
(a viva voce vote.)
(24 yeas, 7 nays.)

Betty Murray
Chief Clerk of the House

_____ 23. Caption ordered amended to conform to body of bill.

AUG 9 1991

24. Senate and Constitutional 3-Day Rules suspended by vote of 25 yeas,
6 nays to place bill on third reading and final passage.

AUG 9 1991

25. Read third time and passed by

AUG 10 1991

(a-viva-voce vote.)

(22 yeas, 5 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

8-10-91

26. Returned to the House.

AUG 10 1991

27. Received from the Senate ~~(with amendments.)~~
~~(as substituted.)~~

28. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

AUG 10 1991

31. Ordered Enrolled at 10:09 am

91 AUG -8 11 5:28

91 AUG -1 11 5:21